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15 *Capital Management, LLC and*  
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17 **UNITED STATES DISTRICT COURT**  
18 **DISTRICT OF NEVADA**

19 **IN RE DIAMOND RESORTS**  
20 **INTERNATIONAL, INC. SECURITIES**  
21 **LITIGATION**

Civil Action No. 2:18-cv-01355-APG-EJY

22 **JOINT STIPULATION AND**  
23 **ORDER**

LAW OFFICES  
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1 WHEREAS, the undersigned are counsel for all of the involved parties in the above  
2 captioned action (the "Parties");

3 WHEREAS, the Parties previously filed a stipulation to stay this Action, in  
4 contemplation of ongoing settlement discussions, which Stipulation was ordered by the Court  
5 on October 4, 2019 (ECF No. 92);

6 WHEREAS, on February 4, 2020, Lead Plaintiff submitted a status update (ECF No.  
7 93) informing the Court that a settlement that would resolve this Action was preliminarily  
8 approved in *Appel v. Berkman*, C.A. No. 12844-VCMR (Del. Ch. filed Oct. 21, 2016) (the  
9 "Settlement");


10 WHEREAS, on February 20, 2020, the Delaware Chancery Court held a settlement  
11 hearing and granted final approval of the Settlement, *Appel v. Berkman*, C.A. No. 12844-  
12 VCMR. Trans. ID 64745619 (Del. Ch. Feb. 20, 2020) ("Order and Final Judgment");

13 WHEREAS the deadline to appeal the Order and Final Judgment has elapsed with no  
14 appeal being filed and, as a result, the Settlement has become Effective, under the terms of the  
15 Settlement;

16 IT IS HEREBY STIPULATED AND AGREED, by the undersigned counsel on behalf  
17 of their respective clients, as follows:

18 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), the parties in this case stipulate  
19 and agree that plaintiffs hereby voluntarily dismiss all remaining claims in this action, with  
20 prejudice, and each party will bear its own attorneys' fees and costs.

21  
22 **SO ORDERED.**

23  
24   
25 UNITED STATES DISTRICT JUDGE  
26 Dated: July 9, 2020.  
27  
28

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Dated: July 9, 2020

SNELL & WILMER L.L.P.

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*Counsel for Lead Plaintiff ODS Capital LLC*

21 SO ORDERED.

22 Dated: \_\_\_\_\_, 2020

23 \_\_\_\_\_  
24 Honorable Andrew P. Gordon  
25 United States District Judge  
26  
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